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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,137	09/22/2003	Anil K. Kumar	42P17120	2012
8791 7590 05/19/2008 BLAKELY SOKOLOFF TAYLOR & ZAFMAN 1279 OAKMEAD PARKWAY SUNNYVALE, CA 94085-4040				
EXAMINER GAUTHIER, GERALD				
ART UNIT 2614		PAPER NUMBER		
MAIL DATE 05/19/2008		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/668,137

Applicant(s)

KUMAR, ANIL K.

Examiner

Gerald Gauthier

Art Unit

2614

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-13 and 15-26 is/are rejected.
- 7) ☒ Claim(s) 7, 14 and 27 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI-08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 15-21 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. "An article" is a nonstatutory matter and is not patentable.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. **Claims 1-6, 8-13, 15-20 and 22-26** are rejected under 35 U.S.C. 103(a) as being unpatentable over Nimmagadda (US 6,426,961 B1) in view of Zuk (US 4,882,749).

Regarding **claim 1**, Nimmagadda discloses a method (column 1, lines 7- 11) comprising:

in response, at least in part, to receipt at a first node (14 on FIG. 5) of a request issued from a second node (26 on FIG. 5) to change from one mode of operation (voice) to another mode of operation [For example, the subscriber may provide a selected mode (by pushing a keypad/s) on his or her telecommunications device 26 so as to provide DTMF tones corresponding to the selected mode, column 17, lines 37-57].

Nimmagadda fails to disclose selecting an amplitude and a frequency of a signal.

However, Zuk teaches selecting an amplitude of a signal to be propagated between the first node and the second node during the another mode of operation, the amplitude of the signal being different from another amplitude of the signal during the one mode of operation [The first path consists of an ALBO threshold comparator and peak detector 16, a filter 18, and an amplitude threshold detector 19, which function to determine whether the amplitude of the input signal is above a predetermined level, column 2, lines 34-53]; and

selecting a frequency of a clock signal to be supplied in the first node during the another mode of operation, the frequency being different from another frequency of the clock signal during the one mode of operation [The second path consists of a clock threshold comparator 20, a high-Q filter 22, a limit amplifier network 24, and a frequency

to DC level converter network 26, which function to determine whether the frequency of the input signal is within an allowable frequency range, column 2, lines 34-53].

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Nimmagadda using the teaching of selection of amplitude and frequency as taught by Zuk.

This modification of the invention enables the system to select an amplitude and a frequency of a signal so that the user would sense the amplitude and the frequency of the signals received.

Regarding **claims 2, 9, 16 and 23**, Zuk teaches a method, wherein: the selecting of the amplitude of the signal to be propagated between the first node and second node during the another mode of operation and the selecting of the frequency of the clock signal to be supplied during the another mode of operation are carried out, at least in part, at the first node (column 2, lines 34-53).

Regarding **claims 3, 10, 17 and 24**, Zuk teaches a method, wherein: the amplitude of the signal to be propagated between the first node and the second node during the another mode of operation is less than the another amplitude (column 2, lines 54-68);

the frequency of the clock signal to be supplied during the another mode of operation is less than the another frequency of the clock signal during the one mode of operation (column 2, lines 54-68);

the first node comprises circuitry (column 2, lines 54-68); and

the clock signal is supplied to the circuitry during the one mode of operation and the another mode of operation (column 2, lines 54-68).

Regarding **claims 4, 11, 18 and 25**, Zuk teaches a method, wherein: the first node comprises digital subscriber line modem circuitry that is capable of being coupled to the second node via a subscriber line (column 3, lines 1-13); and

the signal that is to be propagated during the another mode of operation is to be propagated via the subscriber line (column 3, lines 1-13).

Regarding **claims 5, 12, 19 and 26**, Zuk teaches a method, wherein: a central office comprises the second node (column 3, lines 1-13); and

customer premises equipment comprises the modem circuitry (column 3, lines 1-13).

Regarding **claims 6, 13 and 20**, Zuk teaches a method, wherein: prior to the receipt of the request, the clock signal is supplied to the modem circuitry (column 3, lines 1-13); and

the method further comprises, after the receipt of the request, preventing the clock signal from being supplied to the modem circuitry (column 3, lines 1-13).

Regarding **claim 8**, Nimmagadda in combination with Zuk disclose all the limitations of claim 8 as stated in claim 1's rejection above.

Regarding **claim 15**, Nimmagadda in combination with Zuk disclose all the limitations of claim 15 as stated in claim 1's rejection above.

Regarding **claim 22**, Nimmagadda in combination with Zuk disclose all the limitations of claim 22 as stated in claim 1's rejection above.

Allowable Subject Matter

5. **Claims 7, 14 and 27** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

6. Applicant's arguments with respect to **claims 1-27** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Komatsu is cited for a video signal processing circuit.

Rashid-Farrokhi is cited for a single ended line probing in DSL system.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gerald Gauthier/
Primary Examiner, Art Unit 2614

/GG/
May 19, 2008